

APR. 26. 2005 2:22PM

RECEIVED
CENTRAL FAX CENTER

NO. 6363 P. 12/13

APR 26 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lambrecht et al.

Examiner: David J. Isabella

RECEIVED
CENTRAL FAX CENTER

Serial No.: 09/700,167

Group Art Unit: 3738

APR 26 2005

Filing Date: 11-09-2000

Docket No.: VIA 3.01

Title: CARDIAC VALVE PROCEDURE METHODS AND DEVICES

PETITION UNDER 37 C.F.R. § 1.183 OR, IN THE ALTERNATIVE,
PETITION UNDER 37 C.F.R. § 1.137(b) TO REVIVE FOR
UNINTENTIONAL ABANDONMENT

CERTIFICATE OF FACSIMILE: I hereby certify that this correspondence is being sent by facsimile to: Commissioner for Patents, Alexandria, VA 22313-1450 at facsimile number (703) 872-9306 on this 26th day of April, 2005.

J. L. Brecht
Signature

J. L. Brecht
Printed Name

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants note that an issue fee of \$665.00 was paid on or about November 28, 2003 and another issue fee of \$35.00 was paid on or about March 10, 2005 in this case. These fees apparently paid at the rate for Small Entities. Applicants acknowledge that this case was assigned to Medtronic, Inc. by virtue of an assignment dated December 2004 that was recorded, in part, at the U.S. Patent & Trademark Office on April 25, 2005 (copy attached). The assignee is a large entity, thus, the issue fee of \$1,709.00 for this case should have been paid (which represents the large entity rate). Applicants herein request and authorize that the difference in the issue fee rates of \$1,709.00 minus \$700.00 (actual payment) = \$1,009.00 be immediately charged

to applicant's Deposit Account No. 13-2546 during the pendency of the above-identified application.

Because the issue fee payment in this case included an authorization to charge a deposit account for any fee deficiencies, applicants do not believe this case is abandoned. However, the U.S. Patent Office may disagree, and applicants desire to expedite prosecution and grant of a patent. As a result, this petition is being presented in the alternative.

In the alternative, applicants herein petition to revive this case for unintentional abandonment under 37 C.F.R. Section 1.137(b). The entire delay in supplying the difference between the small entity fee and the large entity fee from the due date of the issue fee to the date of this petition was unintentional. The abandonment was unintentional. Please charge the fee of \$1,500.00 under 37 C.F.R. Section 1.17(m) as well as the deficiency in the issue fee payment to Deposit Account No. 13-2546.

Please charge any fees required to pass this application to grant to Deposit Account No. 13-2546.

A revocation of all previous powers of attorney is being filed contemporaneously herewith. A continuation application is also being filed on the date of this petition.

If a telephone call would be useful to the U.S. Patent and Trademark Office to resolve any of the outstanding issues in this case, the USPTO is invited to telephone the undersigned attorney.

Date April 26, 2005

By 
Jeffrey J. Hohenhell
Reg. No. 34,109
Senior Patent Attorney
MEDTRONIC, INC.
MS LC340
710 Medtronic Parkway
Minneapolis, MN 55432
Tel. 763.391.9661
Fax. 763.391.9668
Customer No. 27581